IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6140 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL RAVINDRAKUMAR AMBALAL

Versus

SECRETARY

Appearance:

MR JAGDISH MEHTA FOR MR YOGESH S LAKHANI for Petitioner

MS MANISHA LAVKUMAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/06/2000

ORAL JUDGEMENT

#. Grievance has been made by petitioner that the authorities below have committed serious error of jurisdiction in cancelling his retail licence No.275 of 1992 for Kerosene fair price shop. This licence has been cancelled on the ground that the petitioner kept the shop closed for period from August to October, 1995.

#. During the course of arguments, the learned counsel for the petitioner admitted that during this aforesaid period, the retail shop was kept closed by petitioner. He further admits that if the shop is kept closed by a licencee, it may be a ground for cancellation of licence. The learned counsel for the petitioner submits that the respondents could not have taken action for cancellation of licence of petitioner as the complaint has been made by the Sarpanch of the village. In his submission, no complaint has been made by any of the holder of the ration card of the area and on the complaint of the Sarpanch, no initiation of the proceedings for cancellation of licence could have been made.

#. I do not find any merits in this contention. Substance is to be considered whether what it is alleged is correct or not and if it is correct, then next step is to consider whether it is a ground for cancellation of licence or not. So far as these steps are concerned, admittedly, these are present in the present case and merely the ground that the complaint is made by Sarpanch of the other village is hardly of any help to the petitioner. Another ground given that during this period, the petitioner was not in a position to open the shop as he was ill is hardly a ground for keeping the shop closed when the petitioner has failed to produce any cogent and satisfactory evidence in support thereof. All the three authorities below have not committed any error in passing of the impugned orders which calls for interference of this court under Article 226 or 227 of the Constitution. In the result, this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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(sunil)